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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,289	02/26/2004	John Prudden JR.	00216-620001 / Case 4272	4946
26161	7590	07/11/2005	EXAMINER	
FISH & RICHARDSON PC 225 FRANKLIN ST BOSTON, MA 02110			HAMILTON, ISAAC N	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/787,289	PRUDDEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Isaac N. Hamilton	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 26 February 2004.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-15 and 17-19 is/are rejected.

7) Claim(s) 16 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 09/22/04.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 16 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the has not been further treated on the merits.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-15 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sumnall (4,944,090) in view of Ortiz et al (5,526,567), hereafter Ortiz, Swanson et al (6,161,287), hereafter Swanson, and Apprille, Jr. et al (6,044,542), hereafter Apprille. Sumnall discloses housing 1; blade/cutting edge 4; guard 7A, part of 7 below the blades 4 in figure 2; cap is part of 7 above blades 4 in figure 2; guard strip/shaving aid 9; guards strip ends are the extreme end portions of the guard strip 9; first elongated cap strip/shaving aid 27; handle connection structure 20, 22, 23; disposable cartridge in column 1, lines 5-7; shaving razor in figure 1; handle 2. Sumnall does not disclose elastomeric guard fins extending laterally beyond strip ends, however, Ortiz teaches elastomeric fins 44d extending laterally beyond strip ends in figure 11. It would have been obvious to provide fins extending laterally beyond strip ends in Sumnall as taught by Ortiz in order to push areas of skin in different directions while the shaving aid from the strips retain a layer of shaving aid material on the skin. Note that the fins 44d in

Ortiz are curved. Sumnall does not disclose an elastomeric material including a series of depressions, however, Swanson teaches elastomeric material 23 including series of depressions 25. It would have been obvious to provide elastomeric material including a series of depressions in front of and behind the guard strip in Sumnall as taught by Swanson in order to hold and distribute water and shave gel over large surfaces during wet shaving. Sumnall does not disclose elastomeric cap fins, however, Apprille teaches elastomeric cap fins in figure 2 on both sides of the shaving aid strip as part of element 22. It would have been obvious to provide elastomeric cap fins in Sumnall as taught by Apprille in order to wipe and debris from the skin after the blades have passed over the skin.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Carson, III et al teaches fins extending laterally from a shaving aid strip; Schachter teaches curved fins.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 571-272-4509. The examiner can normally be reached on Monday through Friday between 8am and 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IH

July 1, 2005

*acj*

Allan N. Shoap  
Supervisory Patent Examiner  
Group 3700